

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER – Chairman 2006 JUN - 7 P 4: 39

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION

DOCKET NO. T-03406A-06-0257
DOCKET NO. T-01051B-06-0257

**ESCHELON'S PROPOSAL FOR INTERIM RESOLUTION AND PROCEDURAL
SCHEDULE**

Pursuant to the May 23, 2006 procedural order in this docket, Eschelon Telecom of Arizona, Inc. ("Eschelon") submits: (i) a proposed interim resolution process for Eschelon's expedite requests to Qwest and (ii) a proposed procedural schedule for this docket.

Interim Resolution for Expedite Process

Eschelon proposes that the Hearing Division issue a procedural order setting forth interim terms for expedite orders. Eschelon requests that the order provide that:

"The parties shall apply the emergency conditions of Qwest's existing Expedite Requiring Approval as set forth in the Attachment A [a copy of Attachment A is attached to this filing]. When those emergency conditions are met, Qwest shall grant the expedite at no additional cost to Eschelon for unbundled loops (including DS0 and DS1 capable loops) on an interim basis. When those emergency conditions are not met, Eschelon shall pay \$200 per day expedited per request for each such expedite for unbundled loops (including DS0 and DS1 capable loops) on an interim basis. In both instances, the expedite charges will be

1 subject to true-up based on the results of this proceeding. These interim terms
2 apply only to expedite requests and associated charges. If other charges ordinarily
3 apply, such as a non-recurring installation charge for an order to restore service
4 after a disconnect in error, Eschelon will continue to pay such charges as
5 applicable in the ordinary course. Both parties will document expedite requests,
6 whether the emergency conditions are met, and charges that are paid or would be
7 paid if Qwest prevails to allow for calculation of any true-up. This interim
8 resolution is intended to be without prejudice to either party's position in this
9 docket."

10 The order would not be biased in either party's favor, as both parties would be adhering to
11 terms to which they object on an interim basis: Eschelon objects to the \$200 per day expedited
12 fee, and Qwest objects to application of the Emergency Conditions for no additional charge to
13 loops. The Emergency Conditions in Attachment A are taken verbatim from Qwest's current
14 expedite process posted on its website.¹ (The interim approach would just make them available
15 for loops as well as the products for which Qwest currently offers expedites at no additional
16 charge.) Neither party would be prejudiced because of the interim nature of the solution and the
17 true-up at the end of the proceedings. The parties would record when Qwest provided an expedite
18 under emergency conditions at no additional charge, so if Qwest won Qwest would be due
19 payment, and when Qwest provided an expedite at the \$200 per day expedited fee, so if Eschelon
20 prevailed, Eschelon would be due a credit.

21 Because Qwest's revised Product Catalog ("PCAT") now states that Qwest's Expedite
22 Requiring Approval terms do not apply to loops, and because Qwest's interconnection amendment
23 regarding expedites does not have any exception for the emergency conditions or for errors caused
24 by Qwest, the order should not provide that the parties will apply either the terms of the PCAT or
25 the terms of the Qwest proposed interconnection amendment regarding expedites. Such an order
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¹ See <http://www.qwest.com/wholesale/clecs/exesclover.html>.

1 may prejudice Eschelon's rights in this proceeding, as well as make a true-up more difficult to
2 calculate.

3 Even with this interim solution in place, the Commission should move forward with the
4 complaint as the ALJ's schedule allows. This will limit the length of time expedites will need to
5 be tracked and recorded for purposes of true-up and will determine the parties' rights
6 expeditiously.

7 **Proposed Procedural Schedule**

8 Eschelon proposes the following schedule for testimony and the hearing in this docket:

9 Eschelon Direct Testimony	July 14
10 Qwest Response Testimony	August 18
11 Eschelon Rebuttal Testimony	September 12
12 Hearing	September 18-22

13 If the Commission adopts a schedule with dates that are later than those proposed by
14 Eschelon, Eschelon requests that the Commission ameliorate the potential of repetitive discovery
15 submitted over a long period of time -- which simply increases the costs to the parties and strains
16 their resources, particularly for a small company such as Eschelon. The parties have already
17 exchanged written discovery requests. If later dates, such as those proposed by Qwest due to its
18 counsel's schedule, are adopted, then the discovery schedule should be addressed. For example, a
19 moratorium on discovery for a period of time may be appropriate so that discovery does not
20 commence until a reasonable period of time before direct testimony is due.

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1 RESPECTFULLY SUBMITTED this 2^d day of June 2006.

2 ESCHELON TELECOM OF ARIZONA, INC.

3
4 By 

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18 Original and 15 copies of the foregoing
19 filed this 2nd day of June 2006 with:

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24 Copy of the foregoing hand-delivered/mailed
25 this 2nd day of June 2006 to:

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By 

ATTACHMENT A

Following is a list of conditions where an expedite is granted:

- Fire
- Flood
- Medical emergency
- National emergency
- Conditions where your end-user is completely out of service (primary line)
- Disconnect in error by Qwest
- Requested service necessary for your end-user's grand opening event delayed for facilities or equipment reasons with a future RFS date
- Delayed orders with a future RFS date that meet any of the above described conditions
- National Security
- Business Classes of Service unable to dial 911 due to previous order activity
- Business Classes of Service where hunting, call forwarding or voice mail features are not working correctly due to previous order activity where the end-users business is being critically affected